

June 1, 1998

DURHAM, NORTH CAROLINA  
MONDAY, JUNE 1, 1998  
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time the following action was taken on GBA #7, Trammell Crow rezoning matter due to a revised development plan received from the applicant.

**SUBJECT: ZONING MATTER CASE P97-83, APPLICANT TRAMMELL CROW, 3900 GARRETT ROAD**

Case: P97-83

Applicant: Trammell Crow

Location: The 66.4-acre site consists of two parcels located at 3900 Garrett Road, identified as Tax Map 463, Block 1, Lots 2 and 3

Request: Rezoning from R-20 (Residential 20) to PDR 5.05 (Planned Density Residential with 5.05 units per acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR-5.05.

Zoning Committee's Recommendation and Vote: 7-0

City Manager's Recommendation: Approval

A motion was made by Mayor Pro Tempore Clement to direct staff to set a new public hearing on June 15, 1998. This motion was seconded by Council Member Jacobs.

**SUBSTITUTE MOTION** by Council Member McKissick seconded by Council Member Cox to allow the Planning and Zoning Committee to review the revised development plan submitted by Trammell Crow and set a public hearing for July 20, 1998 **FAILED** at 7:45 p.m. by the

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following vote: Ayes: Council Members Blyth, Brown, Burnette, Cox, Jacobs and McKissick. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley, Larson, Miller, Griffin and Engelhard. Absent: None.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Jacobs to direct the staff to set a new public hearing on June 15, 1998 for Rezoning Case P97-83 [Applicant Trammell Crow] was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Cox. Absent: None.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell stated representatives from Duke Power were present to discuss a new program.

Scott Gardener, representing Duke Power, briefed council on an initiative being taken to allow Duke Power to improve their public lighting process in the City of Durham.

There were no priority items from the City Attorney and City Clerk.

Mayor Pro Tempore Clement recognized the Durham Eagles' who recently won the 1998 State AAU Championship.

Council Member Larson reminded his colleagues that the budget hearings would resume on Wednesday, June 3, 1998, 8:30 a.m., Committee Room.

Mayor Tennyson asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. At the request of a citizen, Consent Item 1 [July 4th Holiday] was pulled. Mayor Tennyson noted the revised motion printed on the supplemental agenda regarding Consent Item 17 [Protocol of Student Conduct in the Durham Public Schools].

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[CONSENT AGENDA]**

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**SUBJECT: WATER AND SEWER UTILITY SYSTEM REVENUE BONDS, SERIES 1998**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a "Series Resolution Providing for the Issuance of Not to Exceed \$18,000,000 Water and Sewer Utility System Revenue Bonds, Series 1998"; and

To adopt "First Supplemental Bond Order Amending Certain Provisions of the Bond Order Adopted by the City Council on December 5, 1994" was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8462  
Ordinance #11437**

**SUBJECT: ANNUAL INSURANCE PLAN**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to: a) maintain insurance in accordance with the current outline of insurance, and b) purchase additional insurance to protect the City's interest was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: BIDS - RENTAL OF TRANSFER STATION OPERATING EQUIPMENT (WITH THE OPTION TO PURCHASE) - E. F. CRAVEN COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to exercise the purchase option of the rental (with the option to purchase at the end of their six months rental period) contract with the E. F. Craven Company in the amount of \$324,740 for the purchase of two wheel loaders and one wheeled excavator was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SALE OF SURPLUS LANDFILL EQUIPMENT - MARCEL EQUIPMENT,**

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**LTD. AND EVANS EQUIPMENT, INC.**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept the "high" bids from Marcel Equipment, LTD., in the amount of \$133,120 for Alternate Bid No. 1, City Equipment No. 36518, Bomag 670 Trash Compactor; and Alternate Bid No. 2, City Equipment No. 36519, Bomag 670 Trash Compactor; and

To accept the "high" bids from Evans Equipment, Inc. in the amount of \$1,086,013 for Alternate Bid No. 3, City Equipment No. 36520, Caterpillar 623F Self-Elevating Scraper Pan; Alternate Bid No. 4, City Equipment No. 36521, Caterpillar 623F Self-Elevating Scraper Pan; and Alternate Bid No. 5, City Equipment No. 36517, Caterpillar D9N Bulldozer was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RESOLUTION AUTHORIZING LOCAL PORTION OF FUNDING FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) FOR DATA - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a "Resolution Authorizing the City of Durham to Enter Into an Agreement with the North Carolina Department of Transportation" committing to provide \$2,648 for the purchase of a GIS system for DATA was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8463**

**SUBJECT: PURCHASE OF FIVE VANS FOR THE DATA ACCESS SERVICE - THE BRAUN CORPORATION**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the purchase of five vans from The Braun Corporation for a total purchase price equaling \$165,727 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: PROPOSED FIVE YEAR LEASE AGREEMENT RENEWALS TO LEASE SPACE IN CITY-OWNED BUILDINGS LOCATED AT 102 AND 105 EAST CHAPEL HILL STREET - MALINE SCOTT, THERMAN AND FINESSE COUCH**

a. 102 East Chapel Hill Street

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Lease Agreement with Maline Scott, trading and doing business as Plaza Restaurant, for space at 102 East Chapel Hill Street was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

b. 105 East Chapel Hill Street

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a Lease Agreement with Therman and Finesse Couch, trading and doing business as Couch & Associates, for space at 105 East Chapel Hill Street was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: RALEIGH-DURHAM AIRPORT AUTHORITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the Raleigh-Durham Airport Authority to resolve a boundary dispute with a private developer by selling a parcel having a fair market value of some \$4,000 and exchanging another parcel containing some 9,500 square feet for a similarly sized adjacent parcel, with this authorization conditioned upon the RDU Authority's compliance with the procedural requirements of Chapter 160A, Article 12 of the North Carolina General Statutes was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET CLOSING - 31,450± SQUARE FOOT PORTION OF SAYWARD DRIVE**

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**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution 1) declaring the intent of the City Council to permanently close a 31,450± square foot portion of Sayward Drive, and 2) setting a public hearing on Monday, June 15, 1998 to consider closing a 31,450± square foot portion of Sayward Drive was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8464**

**SUBJECT: VOLUNTARY PETITIONS FOR ANNEXATION FOR FISCAL YEAR 1998  
-SALEM LEASING CORPORATION, GRENFELL SUBDIVISION, AND  
TREYBURN WB PHASE II**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on voluntary annexation petitions for Salem Leasing Corporation, Grenfell Subdivision, and Treyburn WB Phase II; and

To accept the City Clerk's certification of 100% ownership as required by N. C. General Statutes 160A-31 and 160A-58; and

To adopt resolutions setting public hearings on Monday, June 15, 1998 at 7:30 p.m. to consider the three petitions for annexation was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Resolution #8465**

**Resolution #8466**

**Resolution #8467**

**SUBJECT: PROPOSED ACQUISITION FOR STADIUM DRIVE EXTENSION - 1403  
KIRKWOOD DRIVE, PROPERTY OF SUE BRIGHT**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the acquisition of land and improvements located at 1403 Kirkwood Drive, Tax Map 301-01-002, property of Sue Bright, for \$108,500 for Stadium Drive extension was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

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**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT WITH WASTE INDUSTRIES, INC. - STONE ROAD INDUSTRIAL PARK**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a water and sewer extension agreement with Waste Industries, Inc. to extend City water and sewer to serve Waste Industries District Office and Truck Terminal (Stone Road Industrial Park) was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT WITH DURHAM COUNTY - WILLOWHAVEN AREA, PHASE III**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a sewer extension agreement with Durham County for the extension of City sewer service to a portion of the Willowhaven Area, Phase III was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: CONTRACT ST-179, WEST CHAPEL HILL PARKING LOT - B & B PAVING COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract in the amount of \$33,642 with B & B Paving Company, Incorporated for Contract ST-179; and

To authorize the expenditure of \$42,700 from the Community Development Block Grant Funds was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: 1998-1999 BEER AND WINE LICENSES**

**MOTION** by Council Member Larson seconded by Council Member Miller

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to approve the issuance of Beer and Licenses to the establishments listed in the attachment was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[See Attachment #1 for 1998-99 Beer and Wine Licenses]**

**SUBJECT: PROTOCOL OF STUDENT CONDUCT IN THE DURHAM PUBLIC SCHOOLS**

**MOTION** by Council Member Larson seconded by Council Member Miller to ask the City Manager to work with the Durham County Sheriff and the Superintendent of the Durham Public Schools to establish a protocol of student conduct to be proactive in identifying behavior that could lead to violence in the public schools--preliminary report to come back to City Council by the beginning of the 1998-99 school year was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: STREET ACCEPTANCE**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept certain streets, as listed below, for maintenance by the City of Durham was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

Winstead - Phase III

1. Arcola Lane - from the centerline of Middlebrook Drive southwest through the cul-de-sac (130')
2. Middlebrook Drive - from the end of Phase II (STA 9 + 45) south, then eastward through the cul-de-sac (470')

Audubon Park - Phase I

1. Clubstone Court - from the centerline of Whisperwood Drive west through the cul-de-sac (299')



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2. Piperwood Court - from the centerline of Solitude Way westward to the end of Phase I (153 + 60), (360')
3. Rusticwood Lane - from the centerline of Whisperwood Drive west then southward to the end of Phase I (STA 77 + 80), (780')
4. Solitude Way - from the south curbline of Sedwick Road southwest to the centerline of Whisperwood Drive (1,333')
5. Solitude Way - from the centerline of Whisperwood Drive westward to the end of Phase I (STA 24 + 85), (1,152')
6. Whisperwood Drive - from the centerline of Solitude Way south to the end of Phase I (STA 57 + 50), (750')

Grove Park

1. Nichols Farm Drive - from the centerline of Grove Ridge Court south, then westward to the centerline of Crossing Drive (1,391')
2. Northlake Drive - from the centerline of Nichols Farm Drive westward to the end of construction (1,833')

Grove Park - Bellmeade

1. Leacroft Way - from the centerline of Nichols Farm Drive west past Bellmeade Bay Drive to the end of construction (STA 18 + 62), (862')

Grove Park - Southshore

1. Southshore Parkway - from the centerline of Nichols Farm Drive northwesterly past Lullwater Court to the end of construction (STA 16 + 20), (620')
2. Lullwater Court - from the centerline of Southshore Parkway southwesterly through the cul-de-sac (377')

Grove Park - Water's Edge

1. Water's Edge Drive - from the centerline of Northlake Drive south then east through the cul-de-sac (1,100')
2. Windward Pointe Drive - from the centerline of Northlake Drive south to the centerline of Water's Edge Drive (594')

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3. Sandy Bluff Court - from the centerline of Water's Edge north through the cul-de-sac (242')
4. Spinnaker Court - from the centerline of Windward Pointe Drive east through the cul-de-sac (159')

**SUBJECT: Sewer Main - Gus Road** from West Property Line of Tax Map 664-4-3 to Robbins Road and **Robbins Road** from Centerline of Gus Road to Centerline of Chickasaw Road

**MOTION** by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the City Engineer for the petition for sewer main on Gus Road from west property line of Tax Map 664-4-3 to Robbins Road and Robbins Road from centerline of Gus Road to centerline of Chickasaw Road; and

To adopt a resolution setting a public hearing on Monday, June 15, 1998 to consider ordering the improvements was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sewer Main - Lednum Street** from West Murray Avenue to North Property Line Tax Map 74, Block 1, Parcel 1

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a public hearing on Monday, June 15, 1998 for confirmation of the assessment roll for sewer main on Lednum Street from West Murray Avenue to north property line Tax Map 74, Block 1, Parcel 1 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PARKING PROHIBITION AND TWO-HOUR PARKING - SEMINARY STREET**

- a. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at the following locations was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and

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Miller. Noes: None. Absent: None.

- 1) On the north and south sides of Seminary Street in the area beginning at the east curb line of Foster Street, if extended, and extending for a distance of 25 feet eastwardly;
- 2) On the north side of Seminary Street at a point beginning 193 feet east of the east curb line of Foster Street, if extended, and extending for a distance of 176 feet eastwardly; and
- 3) On the south side of Seminary Street at a point beginning 223 feet east of the east curb line of Foster Street, if extended, and extending eastwardly to the west curb line of Rigsbee Avenue.

**Ordinance #11439**

- b. **MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish two-hour parking between the hours of 7:00 a.m. and 6:00 p.m., except Sundays and holidays, at the following locations was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.
- 1) On the north side of Seminary Street in the area beginning at a point 25 feet east of the east curb line of Foster Street, if extended, and extending for a distance of 168 feet eastwardly; and
  - 2) On the south side of Seminary Street in the area beginning at a point 25 feet east of the east curb line of Foster Street, if extended, and extending for a distance of 198 feet eastwardly.

**Ordinance #11440**

**SUBJECT: PARKING PROHIBITION - MARKHAM AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to repeal Ordinance #11405, adopted April 6, 1998, which prohibits parking on the north side of Markham Avenue in the area beginning at a point 335 feet east of the east curb line of Colonial Avenue, if extended, and extending for a distance of 250 feet eastwardly; and

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To adopt an ordinance to prohibit parking on the north side of Markham Avenue in the area beginning at Colonial Avenue and extending from that point eastwardly to the end of maintenance of Markham Avenue was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11441**

**Ordinance #11442**

**SUBJECT: PARKING PROHIBITION - DELAFIELD AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to prohibit parking at any time on the north and south sides of Delafield Avenue in the area beginning at the east curb line of Roxboro Street, if extended, and extending for a distance of 159 feet eastwardly was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11443**

**SUBJECT: STOP SIGN - MEDICAL PARK DRIVE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing the installation of a stop sign on Medical Park Drive at Technology Drive, northeast corner was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11444**

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - KNOX STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a 25 mph speed limit on Knox Street beginning at the east curb line of Avondale Drive, if extended, and extending eastward to the end of City maintenance

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was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11445**

**SUBJECT: LOADING AND UNLOADING ZONE - ALMA STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance establishing a loading and unloading zone on the west side of Alma Street in the area beginning at a point 373 feet north of the north curb line of Holloway Street, if extended, and extending for a distance of 25 feet northwardly was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11446**

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: Curb, Gutter and Paving, and Water and Sewer Laterals - Virginia Avenue** from Pershing Street to Sprunt Avenue

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering curb, gutter and paving, and water and sewer laterals on Virginia Avenue from Pershing Street to Sprunt Avenue was approved at 7:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Water Main - Debra Drive** from North Property Line of Tax Map 718-3-8 to Carpenter Road

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To adopt a resolution ordering water main on Debra Drive from north property line of Tax Map 718-3-8 to Carpenter Road.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Charles Young, a resident of Debra Drive, raised concern with the location of the roadway relative to the water line installation.

Lee Murphy, of the Engineering Department, requested that this improvement be referred to the Public Works Committee.

Mayor Tennyson closed the public hearing.

**MOTION** by Council Member McKissick seconded by Mayor Pro Tempore Clement to refer this matter to the Public Works Committee was approved at 7:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sidewalk - Grant Street (West Side)** from East Pettigrew Street south to Merrick Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sidewalk on Grant Street (west side) from East Pettigrew Street south to Merrick Street was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: Sidewalk - South Alston Avenue** (West Side) from Sherman Avenue to Capps Street (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller

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to adopt a resolution ordering sidewalk on South Alston Avenue (west side) from Sherman Avenue to Capps Street under the Enabling Act Authority was approved at 7:58 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: FISCAL YEAR 1998-99 CITY OF DURHAM PRELIMINARY BUDGET AND FISCAL YEAR 1999-2000 RESOURCE ALLOCATION PLAN**

To receive citizens' comments on the FY 1998-99 City of Durham Preliminary Budget and the FY 1999-2000 Resource Allocation Plan.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Anna Wilson, a resident of Norris Street, thanked the council for including Marllarme in the upcoming budget.

Penny Bridges, a resident of Morris Street, spoke in support of Marllarme Chamber players.

Janet Kennell, representing District 4 PAC, spoke in support of additional funding for the impact team to address environmental issues.

Dale McKeel, representing the Joint City/County Planning Commission, spoke in support of funding the Downtown Master Plan. Mr. McKeel asked council to consider funding a half-time staff person within the Planning Department to work with a proposed community appearance commission. Also, Mr. McKeel expressed support for the creation of a roadway appearance division.

Yvonne Coleman, representing the Durham Arts Council, addressed council stating that all agencies that applied felt that they were heard and council's focus areas were clear and articulate, and the contracts being proposed by the City Manager would provide a wide opportunity for citizens.

Callina Smith spoke in support of funding for the Durham Community Prevention Partnership and District 1 in Northeast Central Durham.

Annette Carrington, representing Durham Community Prevention Partnership, presented a slide presentation on the mission of the partnership. Also she requested funding in the amount of \$331,842.

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Michael Page spoke in support of Durham Community Prevention Partnership.

Rev. Angeloe Burch spoke in support of Durham Community Prevention Partnership.

Maxine Burn, representing Forest View Heights Community, asked council to allow bond money to be used for a park in their community.

Phillip Vereen, representing Forest View Heights Community, spoke in support of bond money being used for a park in his community.

Nellie Jones addressed council requesting continued support in Northeast Central Durham. Also, she spoke in support of funds for the Durham Community Prevention Partnership.

Linda Hinton-Conley, representing the Durham Committee on the Affairs of Black People, spoke in support of economic development initiatives for inner city areas; revitalization of communities; prevention programs; and affordable housing.

Alycia Lunsford spoke in support of Durham Community Prevention Partnership.

Stella Adams commended the city manager on the preliminary budget. Also, Ms. Adams spoke in support of affordable housing and requested that council fully fund the administrative support portion of the police budget.

Paul Godshall spoke in support of funding the Durham Community Prevention Partnership.

Larry Hester spoke in support for the Rites Of Passage Program.

Arnold Dennis spoke in support of funds for the Rites of Passage Program.

Stanley Lee spoke in support of funds for the Rites of Passage Program.

Jimmy Gibbs, representing the Durham Symphony, thanked the council for their support in the preliminary budget.

Ellen Dagenhart, representing the Durham Symphony, thanked the council for their continued support.

Allen Neilson spoke in support of the Durham Symphony.



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Mike Schiflett spoke in support of an environmental court and traffic division street calming measures.

Gloria Prescott, representing Durham Symphony, thanked the council for their support in the budget. Ms. Prescott requested council to increase the funding for the symphony.

Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments on the FY 1998-99 City of Durham Preliminary Budget and the FY 1999-2000 Resource Allocation Plan was approved at 8:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PRIVILEGE LICENSES**

To receive citizens' comments on proposed amendments to Durham City Code, Article VII, Sections 72, 73, and 74 of Appendix A of the License and Privilege Tax Ordinance.

To adopt "An Ordinance to Amend Article VII, Sections 72, 73, and 74 of Appendix A of the License and Privilege Tax Ordinance of the City of Durham"--to be effective July 1, 1998.

Nav Gill, of the Finance Department, presented a slide presentation on the proposed amendment to the privilege license, the additional service businesses which should be included and the implementation schedule.

City Manager Ewell stated after talking with the Mayor and some of the business owners, as well as reviewing what other cities were charging, he recommended a \$2,500 cap for service establishments and businesses instead of \$8,000 cap. He noted that it would be a reduction of about \$38,000.

Council Member Langley raised concern about the renewal date and payment date.

Nav Gill stated that July 31st was a legislative mandate for payment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

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Sandra Holloway asked if this proposal would affect her business [adult care home]. She requested information on the city's definition of group homes.

Nav Gill gave the definition of a group home as stated in the City/County Zoning Ordinance.

L. C. Meachem stated this proposal was just another tax and asked the council to delay action.

Stella Adams spoke in opposition to this proposal.

Glyndola Beasley spoke in opposition to this proposal.

Mayor Tennyson closed the public hearing.

Mayor Pro Tempore raised concern regarding the implementation schedule and suggested that the citizens' comments be referred to the administration and the Finance Committee [item to come back before council on June 15, 1998].

City Manager Ewell stated based on his discussions with the Mayor, he was recommending a \$2500 cap for all three categories.

Council Member Larson noted due to the discussion heard and the recommendation by the administration he moved approval of the recommended privilege license rates as amended [\$2500 cap]. This motion was seconded by Council Member Cox.

Council Member McKissick raised concern with the ordinance relative to new businesses and the methodology used.

A substitute motion was made by Mayor Pro Tempore Clement to adopt an ordinance amending the License and Privilege Tax with \$2500 caps and implementation date to be effective July 1, 1999. Motion failed due to the lack of a second.

Council Member Blyth stated that by approving the item as printed on the agenda a business with \$2,000,000 a year in gross revenue would only pay an additional \$255.

A substitute motion was made by Council Member Blyth to adopt an ordinance amending the License and Privilege Tax with caps as printed in the agenda [\$8,000, \$2,500 and \$2,500]. This motion was seconded by Council Member Cox.

Council Member McKissick requested that the substitute motion be severed for existing businesses and new businesses.

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A substitute motion to the substitute was made by Council Member Larson to adopt an ordinance amending the License and Privilege Tax with caps as printed in the agenda [\$8,000, \$2,500 and \$2,500]; and to direct the staff to bring to the next Finance Committee an item concerning penalties for new businesses. This motion was seconded by Council Member Cox.

Council Member McKissick requested that Council Member Larson's motion be severed for existing businesses and new businesses.

**SUBSTITUTE MOTION TO THE SUBSTITUTE** by Council Member Larson seconded by Council Member Cox to receive citizens' comments on the proposed amendments to Durham City Code, Article VII, Sections 72, 73, and 74 of Appendix A of the License and Privilege Tax Ordinance; and

To adopt "An Ordinance to Amend Article VII, Sections 72, 73, and 74 of Appendix A of the License and Privilege Tax Ordinance of the City of Durham"--to be effective July 1, 1998 for existing businesses [\$8,000, \$2,500 and \$2,500 caps] was approved at 10:02 p.m. by the following vote: Ayes: Council Members Blyth, Burnette, Cox, Engelhard, Langley, McKissick and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Jacobs, Larson, Griffin and Brown. Absent: None.

**Ordinance #11449**

**SUBSTITUTE MOTION TO THE SUBSTITUTE** by Council Member Larson seconded by Council Member Cox to adopt "An Ordinance to Amend Article VII, Sections 72, 73, and 74 of Appendix A of the License and Privilege Tax Ordinance of the City of Durham"--to be effective July 1, 1998 for new businesses [\$8,000, \$2,500 and \$2,500 caps] was approved at 10:03 p.m. by the following vote: Ayes: Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Larson and Miller. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley and McKissick. Absent: None.

**Ordinance #11449**

**SUBSTITUTE MOTION TO THE SUBSTITUTE** by Council Member Larson seconded by Council Member Cox to direct the staff to bring to the next Finance Committee an item regarding penalties for new businesses was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Jacobs, Langley, Larson, McKissick and Miller.

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Noes: Mayor Pro Tempore Clement and Griffin. Absent: None.

**SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE  
TO PROVIDE STANDARDS FOR FLAG POLES AND THE DISPLAY OF  
FLAGS (TC72-98)**

To receive citizens' comments concerning the proposed ordinance to amend the Durham Zoning Ordinance to provide standards for flag poles and the display of flags.

To adopt "An Ordinance to Amend to the Durham Zoning Ordinance to Provide Standards for Flag Poles and the Display of Flags."

Joint City-County Planning Committee's Recommendation: Approval

Zoning Committee's Recommendation: Approval

Bonnie Estes, of the City/County Planning Department, briefed council on this proposal.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Bob Cox spoke in support of allowing a larger flag to be flown at the Bob Evans Restaurant.

Chris Tiffany stated the flag represented free speech.

Tom Roberg stated that flying an American flag at one's home or business, no matter what its size and flown properly, should be allowed in the United States.

Fred Knops stated there were more important issues in Durham that needed to be addressed such as: drugs; crime; education; and providing safety to the citizens and property. Mr. Knops stated the issue should be whether we live under the Constitution of the United States and not the size of the flag.

John Wainio spoke in support of the proposed amendment to provide standards for flag poles and the display of flags.

Dr. Hugh Lecky spoke in support of larger flags being allowed to be flown in the City of Durham.

Al Meyer asked council to allow the flying of the American flag regardless of the size.

Dale McKeel spoke in support of the proposed amendment to the

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ordinance. Mr. McKeel stated the flag should not be used for advertisement.

Frank Stancil spoke in opposition to the proposed amendment.

Les Dasch stated the city administration should have never allowed the american flag to be placed under the sign ordinance and requested that it be removed from that section of the ordinance.

Earl Wade Copeland spoke in opposition to the proposed amendment.

Mayor Tennyson asked if there were other citizens present wanting to speak on this item. The public hearing was closed by the Mayor.

A motion was made by Council Member Larson to receive citizens' comments and to adopt an ordinance to amend the Durham Zoning Ordinance to Provide Standards for Flag Poles and the Display of Flags. This motion was seconded by Council Member McKissick.

Mayor Pro Tempore Clement read a letter from Oak Grove School [third grade class] regarding this issue.

Council Member Miller asked his colleagues to not change the current ordinance due to legal problems and the lack of a compromise.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Clement seconded by Council Member Griffin to adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Flag Poles and the Display of Flags", provided that a) the ordinance shall be codified in a section of Chapter 24 separate from the Sign section of the Zoning Ordinance **FAILED** at 11:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Burnette, Larson and Griffin. Noes: Council Members Langley, Cox, McKissick, Jacobs, Miller, Brown, Engelhard and Blyth. Absent: None.

**SUBSTITUTE MOTION** by Mayor Pro Tempore Clement seconded by Council Member Griffin to adopt "An Ordinance to Amend the Durham Zoning Ordinance to Provide Standards for Flag Poles and the Display of Flags", provided that b) Subsection 3 of Section 1 of the Ordinance, pertaining to flag dimensions, is deleted in its entirety **FAILED** at 11:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Langley, Burnette and Griffin. Noes: Council Members Cox, McKissick, Jacobs, Larson, Miller, Brown, Engelhard and Blyth. Absent: None.

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**MOTION** by Council Member Larson seconded by Council Member McKissick to adopt "An Ordinance to Amend to the Durham Zoning Ordinance to Provide Standards for Flag Poles and the Display of Flags" **FAILED** at 11:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members McKissick, Larson and Griffin. Noes: Council Members Langley, Burnette, Cox, Jacobs, Miller, Brown, Engelhard and Blyth. Absent: None.

**MOTION** by Council Member Cox seconded by Council Member Miller to receive citizens' comments concerning the proposed ordinance to amend the Durham Zoning Ordinance to provide standards for flag poles and the display of flags was approved at 11:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**SUBJECT: PROPOSED AMENDMENT TO THE SIGN SECTION OF THE DURHAM ZONING ORDINANCE TO ESTABLISH PROVISIONS FOR LANDMARK SIGNS (TC74-98)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive citizens' comments concerning the proposed amendment to the Sign Section of the Durham Zoning Ordinance to establish provisions for landmark signs; and

To adopt an ordinance for "An Amendment to the Sign Section of the Durham Zoning Ordinance to Establish Provisions for Landmark Signs" was approved at 11:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Member Engelhard. Absent: None.

**Ordinance #11447**

**SUBJECT: PROPOSED ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE TO REVISE STANDARDS FOR CERTAIN ACCESSORY DWELLINGS IN THE RD ZONING DISTRICT (TC75-98)**

As this was the time and place set for the public hearing, anyone

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interested was given the opportunity to be heard.

Steve Caviss spoke in support of this ordinance.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Engelhard to receive citizens' comments concerning a proposed ordinance to amend the Durham Zoning Ordinance to revise standards for certain accessory dwellings in the RD Zoning District; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance to Revise Standards for Certain Accessory Dwellings in the RD Zoning District" was approved at 11:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11448**

**[ITEM PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: FOURTH OF JULY HOLIDAY**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt "An Ordinance Amending Section 14-16 of the Durham City Code to Provide for the City to Observe Friday, July 3, 1998, as the Legal Holiday for Independence Day" was approved at 11:22 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**Ordinance #11438**

There being no further business to come before the Council, the meeting was adjourned at 11:22 p.m.

D. Ann Gray  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk